

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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MERRILL LYNCH BUSINESS  
FINANCIAL SERVICES, INC.,

Plaintiff,

v.

ARTHUR KUPPERMAN; E. ROSS  
BROWNE; PAULETTE KRELMAN,  
PGB INTERNATIONAL, LLC; and JP  
MORGAN CHASE BANK, N.A., *et al.*,

Defendants.

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**Hon. Dennis M. Cavanaugh**

**ORDER**

Civil Action No. 06 - 4802 (DMC)

This matter having come before the Court on motion by Plaintiff, Merrill Lynch Business Financial Services, for partial summary judgment and for certification of judgment as final; and cross motion by Defendant, JP Morgan Chase Bank, N.A., for partial summary judgment and for certification of judgment as final; and motion by Defendants PGB and Kupperman to dismiss Plaintiff's Complaint; and the Court having reviewed all submissions and having heard oral argument; and for the reasons stated in its Opinion issued on this day,

IT IS on this 6 day of August, 2007;

**ORDERED** that Defendant PGB's and Kupperman's motion to dismiss is **denied**; and it is further

**ORDERED** that Plaintiff Merrill Lynch Business Financial Services motion for partial summary judgment is **granted** as to Count Four of its Complaint; and it is further

**ORDERED** that Plaintiff Merrill Lynch Business Financial Services motion that the judgment be certified as final is **denied**; and it is further

**ORDERED** that Defendant JP Morgan Chase N.A.'s motion for partial summary judgment is **granted** as to Count One of its Complaint and **denied** as to Count Ten of its Complaint; and it is further

**ORDERED** that Defendant JP Morgan Chase N.A.'s motion for certification of the judgment as final is **denied**.

S/ Dennis M. Cavanaugh  
Dennis M. Cavanaugh, U.S.D.J.

Orig: Clerk  
cc: Counsel of Record  
The Honorable Mark Falk, U.S.M.J.  
File